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BENJAMIN L. SHUFF, Substituted .

NO. 15, 241 EQUITY

Trustee Under the Will of

IN THE CIRCUIT COURT FOR

David Trego McKinney

FREDERICK COUNTY, MARYLAND

ON

PETITION

\* \* \* \* \*

## DECLARATORY DECREE

This matter having come on for hearing on the Petition, with exhibits thereto, filed by Benjamin L. Shuff, substituted trustee under the Will of David Trego McKinney, Frances S. McKinney, and Gerald A. Cousino, Martin L. Grunley, and William V. Walsh, it is this 28 day of July 1966 by the Circuit Court of Frederick County ADJUDGED and DECREED that:

- 1. The Condemnation proceedings by the Baltimore and Ohio Railroad Company vs. Horatio McPherson et al., recorded in Liber No. 37, folio l, one of the Land Records of Frederick County Maryland, a copy of which condemnation proceedings was filed in this proceeding as Exhibit B to the Petition, resulted in the acquisition of an easement, for corporate purposes of the railroad, by the Baltimore and Ohio Railroad Company.
- 2. The instrument executed by Catherine Harper and recorded in Liber No. 322, folio 138, one of the Land Records of Frederick County, Maryland, a copy of which was filed in this proceeding as Exhibit C, granted an easement, for corporate purposes of the railroad, to the Baltimore and Ohio Railroad Company.
- 3. The words, "exclusive of the railroad," contained in the deed from Catherine Harper to Michael Keefer dated July 19, 1853, and recorded in Liber E.S. No. 4, folio 178, one of the Land Records of Frederick County, Maryland, a copy of which deed was filed in this proceeding as Exhibit D, served only to qualify the recital of acreage, and did not have the effect of excluding from the conveyance that land which was subject to the easement of the Baltimore and Ohio Railroad Company.

ATTORNEY AT LAW
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FREDERICK MARYLAND